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E.P. ARCHITECTURAL BUILDERS, INC. and DAVID  
POTENZA

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

BRENDAN O TUAIRISG WATERS,  
v.  
E.P. ARCHITECTURAL BUILDERS,  
INC. and DAVID POTENZA,  
Defendants.

No. CV10-03193 LB

**STIPULATION AND [PROPOSED]  
ORDER RE: 60 DAY CONTINUANCE OF  
CASE MANAGEMENT CONFERENCE  
AND ENLARGEMENT OF TIME FOR  
DEFENDANTS TO RESPOND TO  
COMPLAINT**

**Action Filed:** July 20, 2010  
**Trial Date:** Not Set

1 Pursuant to Local Rule 6-1, Plaintiff BRENDAN O TUAIRISG WATERS and  
 2 Defendants E.P. ARCHITECTURAL BUILDERS, INC. and DAVID POTENZA, by and  
 3 through their respective attorneys of record, Tomas Margain of DAL BON &  
 4 MARGAIN, APC and Christina Luini of Hanson Bridgett LLP, hereby state, agree and  
 5 stipulate as follows:

6 1. Defendants were served with the Summons and Complaint in this  
 7 action on September 11, 2010.

8 2. Counsel for Defendants were retained in late September 2010.

9 3. The Parties stipulate to a 60-day continuance of the initial case  
 10 management conference, currently set for November 4, 2010. The Parties agree this  
 11 continuance is in the best interests of the Parties because it will allow them time to  
 12 engage in settlement negotiations prior to incurring unnecessary attorneys' fees and  
 13 costs that could impede the settlement of this action.

14 4. The Parties stipulate to a 60-day enlargement of time for Defendants  
 15 to file a response to the Complaint. The Parties agree this continuance is in the best  
 16 interests of the Parties because it will allow them time to engage in settlement  
 17 negotiations prior to incurring unnecessary attorneys' fees and costs that could impede  
 18 the settlement of this action. If unable to resolve this matter, Defendants' response to the  
 19 Complaint will be due on or before December 31, 2010.

20 5. This is the second continuance the Parties have stipulated to in this  
 21 matter. The Parties first stipulated to an initial 30-day continuance of the Defendants'  
 22 time to file a response to the Complaint.

23 6. The Parties' agreement to enlarge Defendants' time to respond to  
 24 the Complaint and continue the Case Management Conference will not alter the date of  
 25 any other events or any deadlines already fixed by Court order.

26 7. From Plaintiff's perspective good cause exists for this request.  
 27 Counsel have met face to face to go over the pay records and bank records in Plaintiff's  
 28 possession. They also reviewed an audit prepared by Defendant prior to the filing of

1 this lawsuit. A continuance will allow the parties to get documents from third party  
2 institutions, payroll provider and banks, clarify some accounting issues flagged to then  
3 engage in formal settlement talks. If the matter does not settle, the parties would then  
4 use a neutral through the Court's ADR department.

5

6 **IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.**

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8 DATED: October 28, 2010

HANSON BRIDGETT LLP

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10 By: /s/ Christina Luini  
11 CHRISTINA LUINI  
12 Attorneys for Defendants  
13 E.P. ARCHITECTURAL BUILDERS,  
14 INC. and DAVID POTENZA

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16 DATED: October 28, 2010

DAL BON & MARGAIN, APC

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12 /s/ Tomas E. Margain  
13 JAMES DAL BON  
14 TOMAS E. MARGAIN  
15 Attorneys for Plaintiff  
16 BRENDAN O TUAIRISG WATERS

1 PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN THE COURT  
2 ORDERS AS FOLLOWS.

3 The initial case management Conference is Continued to January 13 2011 at 1:30  
4 p.m.

5 The parties shall file a Joint Case management Statement which also updates the  
6 Court on the status of ADR proceedings. The Joint Case Management Statement shall be  
7 filed no later than January 6, 2011.

8 DATED: October 29, 2010

9 By:

10 LAUREL BEELER  
11 Judge Laurel Beeler  
12 United States Magistrate Judge

